

U.S. Copyright Law: A Broken System Needing Repair?

Fred von Lohmann
EFF Senior Intellectual Property Attorney



Copyright Utopia: YouTube and the DMCA's Silver Lining?

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EFF Senior Intellectual Property Attorney



User-Generated Content Participatory Media YouTube



Political
Expression

2004

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[Jib]ab's This Land]

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Political
Expression

2007

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[Vote Different
– Barak Obama 1984 Macintosh ad remix]

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Pastiche

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Collage

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Mash ups

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[Brokeback to the Future]

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[V] Jaren –
White Stripes + Erik B & Rakim]

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Parody

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[MoveOn: Stop the
Falsiness, Colbert Report Parody]

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Commentary

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[A Fair(y) Use Tale]

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Oddities

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[Star Wars: Silent Movie Version]

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[Jesus Will Survive]



The People's Archive



["My Bologna Has a First Name":
Oscar Meyer Commercial 1971]



©?
difficult questions, yes
but when do you ask them?

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Copyright law
made all this possible

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The DMCA
made all this possible

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by changing the © rules
for intermediaries

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TV

strict liability
clearance culture
&o insurance

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Gatekeepers

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OSPs

DMCA safe harbors
notice-and-takedown

Bouncers

All the fair uses we deserve...
finally...


and the orphan works,
and the “unobjected” uses.

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Implications for educators:

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1. think DMCA, not fair use

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2. build tools, not collections



Threats



1. Viacom v. YouTube



2. Mechanized censorship

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3. DRM + the other DMCA

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The fight for the
DMCA safe harbors...

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...is the fight for a
participatory mass media.

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...is the fight for a
public remix culture.

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...is the fight for fair use and free
expression.

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“...appropriation, mimicry, quotation, allusion, and sublimated collaboration consist of a kind of *sine qua non* of the creative act, cutting across all forms and genres in the realm of cultural production.”

-Jonathan Lethem, “The Ecstasy of Influence,” *Harpers*, Feb. 2007